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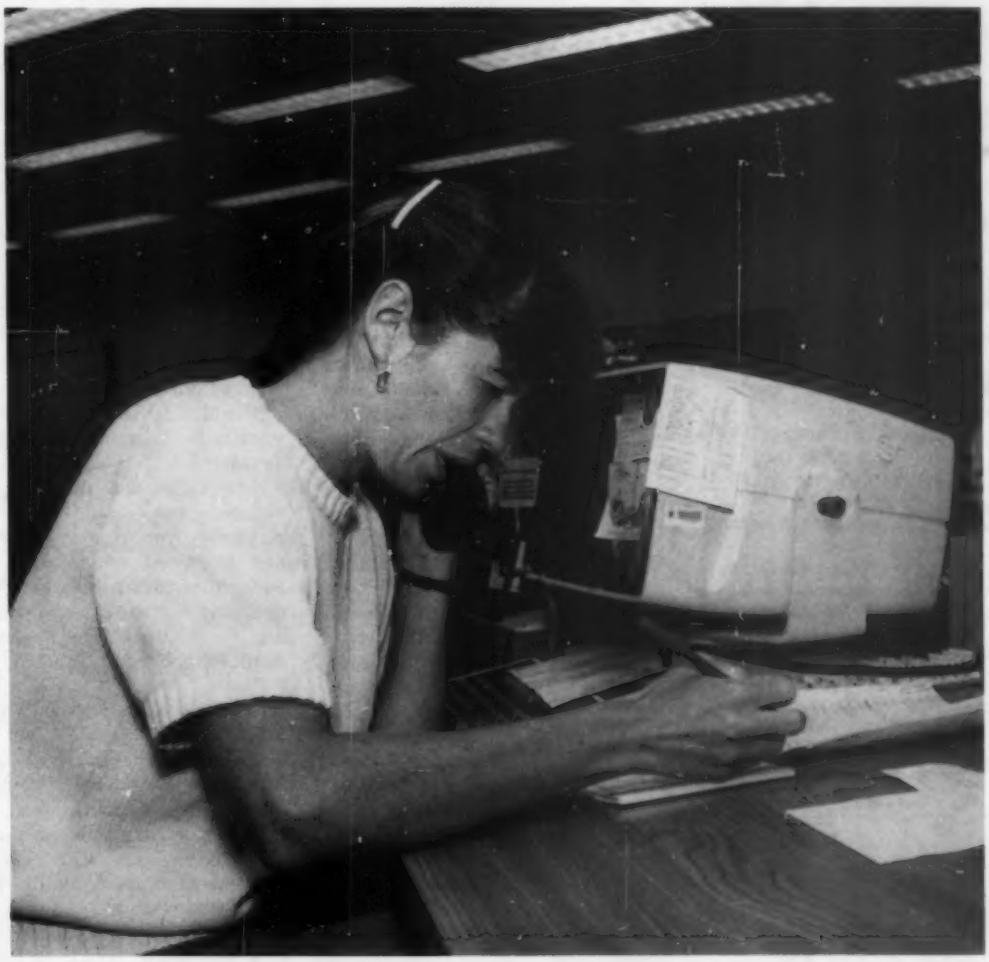

Congressional Research Service

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Kristin Whitney, an inquiries recorder at the CRS "nerve center," takes a request from a congressional office. The question will be reviewed by a supervisor and transmitted electronically to the division that will handle the request. Photo by Jim Higgins

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Guy Lamolinara, Editor

LC in the News

☐ The *Los Angeles Times* recently printed an analysis by Ralph Oman, the Register of Copyrights at the Library, on the issue of fair use of an author's unpublished writings.

Though the Register was careful not to take sides on the controversial subject, he did point out the pros and cons. For example, he said, "To solve the problem, Congress could direct the courts to stop giving unpublished works a privileged status, and apply fair-use doctrine equally to both published and unpublished work."

But "this might create new problems," Mr. Oman warned. He brought up the recent case of the unpublished letters of J.D. Salinger, author of "The Catcher in the Rye," who sought to prevent biographer Ian Hamilton from using them. "Twenty years hence, the publication of these letters may keep the aging author out of the poorhouse. If Ian Hamilton, his would-be biographer, published all the juicy parts, their future value would plummet."

He concluded by noting, "Fair use does not lend itself to pat formulas. . . . The critical question that Congress must resolve is whether the proposed legislative fix will help or hinder judges in their effort to sort out this tricky legal thicket."

(Congress looked at the issue during a joint hearing July 11. See LC *Information Bulletin*, Sept. 10, 1990.)

☐ Mr. Oman was not the only LC staffer recently quoted. Peter Braestrup, director of communications and author of "The Big Story," which detailed the misreporting of the Vietnam War's Tet offensive, was quoted in *Insight* magazine. He commented on Walter Duranty, a *New York Times* writer who failed to report the biggest story he ever encountered—the 1932-33 Ukraine famine, brought on by Joseph Stalin's forced collectivization of Soviet farms.

Said Mr. Braestrup: "I don't think anybody at *The New York Times* would leave anybody like Duranty in place now. The mystery to me is how they left him there so long at the time."

☐ And two recently opened exhibitions at the Library's Madison Building (LC *Information Bulletin*, Sept. 10, 1990) have already received extensive coverage.

A story on "A World of Names," ran on the Associated Press news wire.

The story noted some of the "dozens of geographic oddities" in the exhibition. For example, "If you're an optimist, you'll feel at home in Top of the World, N.M., or Carefree, Ariz. If you're a pessimist, you might be more comfortable in Lowpoint, Ill., or Droop, W.Va. For the Romantic, there's Romeo, Mich., or Kissimmee, Fla."

LC's Ronald Grim of the Geography and Map Division related the story of the "naming" of Nameless, Texas.

"Mr. Grim said the local postmaster, exasperated by residents bickering over what to name their new crossroads community, wrote authorities in Washington a letter declaring, 'Let the place be nameless and be damned.' The Post Office dutifully obliged."

☐ AP also picked up on "My Dear Wife."

"Forget Gary Hart and Donna Rice," the story went. "You don't always need a politician and the other woman to titillate the imagination. Sometimes what goes on between a lawmaker and his *wife* is just as interesting.

"And no less than the Library of Congress is offering a peep through the keyhole."

Congressional Research Service:
Think Tank, Policy Consultant and Information Factory

By Helen Dalrymple

On Aug. 2, Iraq unexpectedly invaded the independent state of Kuwait. On Capitol Hill, aides to U.S. senators and representatives immediately began calling across the street to the Congressional Research Service (CRS) with questions, such as:

What is the size and composition of Iraq's military forces?

Who is this Saddam Hussein; can we get some biographical data on him?

How much oil do we import from Iraq?

How long will our own oil reserves last?

Can you send us maps of the area?

By the next day, an interdivisional team was meeting in CRS to decide on a strategy for providing information and analytical assistance to Congress on the Iraq crisis.

Representatives of the Foreign Affairs and National Defense (FAND), Economics (ECON), Congressional Reference (CRD), Environment and Natural Resources (ENR), Science Policy (SPR), Library Services (LSD) and the American Law (ALD) divisions got together to decide what the Service needed to do to gear up for all of the inquiries it was going to be receiving from Congress about the latest Middle East crisis.

Clyde R. Mark, one of the Library's specialists on the Gulf crisis, answers questions about Iraq from a congressional staffer. Photos by Jim Higgins

The team divided up the responsibilities for assembling the information they thought would be needed to answer the questions: analysts to write new Issue Briefs (15-page analyses of major policy issues) pertaining to the invasion and to update existing CRS reports (more comprehensive studies of "issue areas"); reference specialists to gather relevant articles for an Info Pack (a collection of materials and Issue Briefs on "hot topics" in a ready-to-send bright yellow packet); and librarians to prepare bibliographies on a number of international issues involved in the Iraq-Kuwait international crisis.

According to CRS deputy director William Robinson, CRS much prefers to anticipate topics before they become issues that Congress has to deal with.

"Congress is at the decision end of the policy process . . . [and] in a system of government where *any*

(Cont. on p. 320)

The La Follette Congressional Reading Room is open until 9:30 every weeknight to assist member and committee staff.

CRS *(Cont. from p. 319)*
action is difficult, it is important to be able to act when the time is right. . . . If analysis is not available when the decisions must be made, analysis will be left out and decisions will be based on more intuitive techniques always available to members of Congress."

As CRS has proved many times in the past, however, the expertise of its staff allows it to react quickly to situations like the Gulf crisis.

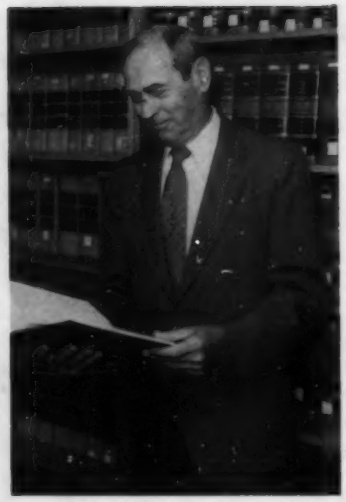
The Mission of CRS

Responding to the reality that CRS had changed a great deal in the past 20 years as a result of the 1970 Legislative Reorganization Act, the expansion of congressional staff and the growth of its own staff, CRS managers decided a year and a half ago that it was time to a ask some fundamental questions about the way the Service was doing its work.

CRS initiated a strategic management review process, which eventually involved great numbers of the staff at many levels, including a strategic management review team consisting of 20 staff members from throughout the Service. Team members were asked to participate, says P. Royal Shipp, acting associate director for research coordination of CRS and coordinator of the management review, "because they had in-depth knowledge of specific aspects of CRS work—not necessarily as representatives of the unit where they worked."

There have been some interesting spillover effects from the strategic management review. In a department that had grown from 306 budgeted positions in 1970 to 864 in 1990, some of the feeling of interdivisional cohesiveness and collegiality of the old Legislative Reference Service had been lost.

Royal Shipp noted that the management review helped to instill in its staff a greater understanding of what the various parts of CRS actually do. Donna Scheeder and Lynne McCay, senior team leaders in reference and reader services in CRD, concurred with that assessment: "We feel that staff in the divisions now have a much better idea of the things that we can do in CRD."



Joseph E. Ross, CRS director, checks a reference in the La Follette room.

How Is CRS Organized?

There are two reference and information divisions in CRS—Congressional Reference (CRD) and Library Services—staffed mainly by reference librarians and bibliographers. Their ability to respond quickly to inquiries is greatly enhanced by the use of commercial data bases, enabling a reference specialist to find a quotation George Bush made about civil rights during his campaign for the presidency, for example, in a matter of minutes.

CRD-staffed reference centers in the Russell Senate Office Building, and the Longworth, Rayburn and House Annex No. 2 buildings make it easier for congressional staff to get the information they need quickly. Congressional reading rooms in the Library's Jefferson and Madison buildings offer more extensive resources for congressional staffers who want to pursue their own research.

Some 500,000 inquiries came into CRS last year, two-thirds of them answered by CRD, a distribution which allows the seven research divisions to concentrate on policy analysis and longer-term research projects.

Some of the questions are pretty arcane. One member of Congress wanted to know what the weather was like on Aug. 21, 1858, in Ottawa, Ill., at the time of the Lincoln-Douglas debate. The answer was found in a book from the Library's collections.

Rhoda Newman, team leader in the Jefferson Congressional Reading Room, offered this example of how quickly CRS can respond to questions in a crunch: "My all-time favorite . . . is the call we got from a frantic staffer whose boss was, at that moment, appearing on a TV talk show. The commercial had just come on and he needed to verify an obscure statistic. We came through before he had to go back on."

The seven policy analysis divisions are organized along both disciplinary and subject lines. Those organized by subject are EPW (Education and Public Welfare, basically human resources), Foreign Affairs and National Defense, and Environment and Natural Resources.

The disciplinary divisions are Government (political scientists and a few historians), American Law (all attorneys) and Science Policy (life science, physical science, engineering). The Economics Division is a hybrid. Staffed by economists, it covers subjects (transportation, housing, community development) as well as disciplinary topics (money and banking, tax policy and macroeconomic policy).

Institutional Culture and Values

One of the unique characteristics of CRS is its institutional values

system, described by deputy director Robinson as "the values that animate it and the shared vision that inspire veteran and newcomer alike."

These values include: objectivity and nonpartisanship in all of its research; confidentiality; timeliness; and accuracy and authoritativeness.

Balance and objectivity are particularly important in the politically charged atmosphere of Capitol Hill, so that all Congress members can feel confident that CRS analysts are not advocating any one point of view. Says Mr. Robinson, "The role of the Service is to inform the decisionmaking process, not to make the choice or to press for one set of values over another."

Another fundamental characteristic of CRS is that it works solely for Congress. "We do not undertake research for executive agencies or directly for the general public. We exist solely to help the Congress maintain its role as the world's best-informed, most independent legislature," notes the deputy director.

Nor are CRS reports available to the public. In some cases they may be released as committee prints; then they become more widely available. Bill Robinson sees two reasons why Congress exerts such a strong proprietary interest in the work product of CRS: "Congress really doesn't want us thinking about a broader public because they don't want us to change our writing style and they don't want us to change our focus. Also, Congress wants to control the release of what it considers to be its own internal work product."

CRS in the Future

The Congressional Research Service will continue to change and evolve in response to the needs of the body it serves.

Its work today is much more analytical than it was 20 years ago,

(Cont. on p. 322)

CRS Exports Democracy to Eastern Europe

As Eastern Europe rediscovers democracy, it is also rediscovering the wisdom of Thomas Jefferson, who said, "If a nation expects to be ignorant and free . . . it expects what never was and never will be."

Democratic forms of government need democratic access to knowledge and information. The Congressional Research Service is assisting the newly empowered legislatures of Eastern Europe in establishing the information and analysis capabilities that they need to govern (see *Information Bulletin* Sept. 10, 1990).

In February, a delegation from the Supreme Soviet visited CRS to learn more about its capabilities and relationship to Congress. At the end of their eight-day visit, the delegation members requested that CRS enter into a formal agreement with the Supreme Soviet for technical assistance and information exchange.

"They recognize that the key to democracy is an effectively functioning legislature," says Bill Robinson, deputy director of CRS, "and the key to an effective legislature is analysis and information."

In May, with the backing of the U.S. congressional leadership, a four-person CRS delegation visited Moscow, led by Director Joseph Ross. The visit was funded by the U.S. Information Agency and resulted in a proposal submitted to Congress for the exchange of publications, staff and other resources.

Further advice and consultation on how the Soviets could form an organization comparable to CRS, but appropriate to a Soviet setting, will be the focus of future exchanges. This activity will be supported by funds from the Ford Foundation and the International Research and Exchanges Board (IREX).

In order to investigate similar needs elsewhere in Eastern Europe, Congress established a Special Task Force on the Development of Parliamentary Institutions, under the chairmanship of Rep. Martin Frost, a Texas Democrat.

In April, Francis Miko, a CRS legislative specialist, accompanied the task force at meetings with representatives of parliaments in Hungary, Poland and Czechoslovakia. Based on their visit, the Frost task force issued a report that included the recommendation that CRS play a leading role in a comprehensive program to create information and research capabilities in these countries, as well as training programs in the legislative process for parliamentarians and staff.

A detailed proposal for strengthening democratic institutions in Eastern Europe has been prepared and is supported by the Speaker of the House Thomas S. Foley. A fiscal 1991 appropriation to implement the program is under consideration by Congress. Support from private sources is being solicited as well.

As the largest legislative support agency in the world, CRS is in a strong position, with augmented funds, to offer technical assistance as democracies emerging from communism realize their need for information and analysis.

As Mr. Robinson notes, "In the old days, there was no need for information [in the Eastern European parliaments]. When your only job is to place a unanimous rubber-stamp on what the party has proposed, you don't need any information. All that has changed now."

—Craig D'Ooge

Philip Lesesne, congressional documents assistant, examines a CRS report.

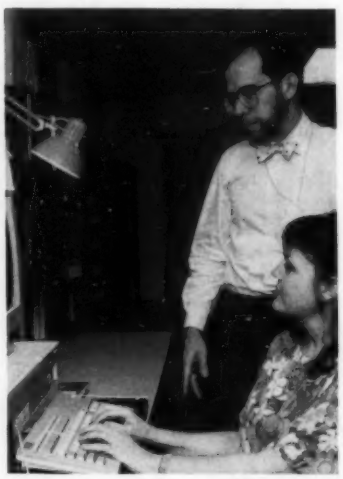
CRS *(Cont. from p. 321)*
when its output tended more toward the descriptive. Its staffers do much more in terms of interdisciplinary research, policy consulting and modeling.

A graphic example of analysis by CRS was the development of the new Federal Employees Retirement System (FERS). As described by Mr. Robinson, "Devoting nearly a dozen analysts from EPW over a period of three years, we built the model that . . . let the Congress act independently of the executive branch. . . . Congress went on its own [with the model created by CRS analysts working closely with both chambers of Congress]; Congress did its own assessment of what kinds of pensions were offered by private companies, what some mainline choices were, policy choices that Congress needed to make, and then with the model, it was able to estimate the total long-range costs and the distributional effects."

Looking ahead to the future, Bill Robinson says that CRS intends to seek private funding to "give us some flexibility to be able to undertake new initiatives" that Congress endorses but is unable to fund. In no case, however, he says, would those outside funds amount to more than 2 percent of the CRS annual budget, which is now approximately $47 million.

"I've been here since 1972," noted Mr. Robinson, and "I can't recall a time when I've seen the institution more stretched. . . . We haven't seen any real growth in our resources in about 10 years. . . . We have been drawing upon the increased productivity of a more experienced staff, because the retention rate [of the staff] has been quite high, less than a 5 percent turnover rate per year."

Both Bill Robinson and acting associate director Royal Shipp expect that the continuing CRS strategic management review process will help develop creative approaches to the challenges CRS will continue to face as Congress's "think tank, policy consultant and information factory."



Robert Newlen, head of the Senate Reference Center, assists Lana Slack, staffer for the Senate Rules Committee, with a data base search.

An SDI of Another Sort

The names of its products and services to Congress range from the mundane to the seemingly controversial.

The Congressional Research Service offers issue briefs, the *Major Legislation of the Congress*, *CRS Review* and a bill digest. But it also has its own version of SDI. Not the controversial Strategic Defense Initiative, or "star wars" program, but the Selective Dissemination of Information, a current bibliographic alerting service on public policy literature.

CRS Review is a monthly magazine with short articles on public policy issues distributed to all congressional offices. *Major Legislation of the Congress* is issued two to three times a year. It provides a summary of bills before Congress along with their status.

These are widely distributed. But some of the information is confidential, such as the approximately 3,500 memos CRS staff prepare for Hill members. The memos are in response to narrow research and analytical questions.

A growing number of CRS studies are often published by Congress. Many are in-depth analyses provided to congressional committees to support their legislative oversight activities.

Sometimes answers are simply given over the phone. CRS staff also engage in more than 3,000 one-on-one consultations annually with members and staff on specific issues.

And so that new members of Congress don't feel completely at sea on the ins and outs of their new job, CRS, along with the American Enterprise Institute and the Brookings Institution, sponsors a three-day briefing in Williamsburg, Va.

75 Years of Service to Congress

The Congressional Research Service (CRS) reached an important milestone last year when it turned 75. Created as the Legislative Reference Bureau in the Library of Congress in 1914, CRS is the oldest of the four congressional support agencies. (The other three are the General Accounting Office, 1921; the Office of Technology Assessment, 1972; and the Congressional Budget Office, 1974).

The sole purpose of the Service, now as then, is to provide information and research support to members and committees of the U.S. Congress.

In fact, the origins of CRS reach back even further into history, with the creation of the Library of Congress itself. An 1806 Senate report noted that the purpose of having a room in the Capitol set aside with books for members to use was "to enable statesmen to be correct in their investigations, and by a becoming display of erudition and research, give higher dignity and luster to truth."

Thomas Jefferson echoed that same theme in 1814 when he offered to sell his wide-ranging library (which reflected his own catholic tastes) to Congress to replace the volumes the British had burned when sacking the Capitol: "Before a great republic there is no subject to which a member of Congress may not have occasion to refer."

Other milestones in the history of CRS are the Legislative Reorganization Acts (LRA) of 1946 and 1970, which greatly expanded the Service, both in terms of the kinds of experts it was allowed to hire and the responsibilities it was directed to undertake in support of Congress.

The 1914 Legislative Reference Bureau (which was modeled largely on state legislative reference bureaus that were operating in New York and Wisconsin at that time) became a separate department of the Library in 1946; it was called the Legislative Reference Service (LRS); and in 1970 LRS evolved into CRS and was given complete research independence and "maximum practicable administrative independence" from the Library of Congress.

Louis Fisher, a CRS analyst in American National Government and Public Administration (left), meets former Rep. Charles Whalen, an Ohio Republican, at the 75th anniversary reception.

These changes in the responsibilities of the Congressional Research Service largely reflected changes in Congress as it struggled to keep up with the growth of the federal bureaucracy brought on by a decade and a half of depression and war (1946 LRA) and then with the growth of federal programs initiated by the Great Society in the 1960s (1970 LRA). Total staff in the House and Senate grew as well, increasing from 11,127 in 1970 to a peak of 19,225 in 1983. CRS currently has a staff of 864, up from 323 in 1970.

A symposium held last year at the Library commemorated CRS's 75 years of service. Anthony King of the University of Essex led with the keynote address "Legislatures: Their Critical Role in Democracy." Other speakers, academicians as well as members of Congress, spoke about how the legislative body had changed in the years from 1914 to 1970, reviewed the contemporary Congress (1970–1989), the effects of the 1970 Legislative Reorganization Act and how Congress works today.

The conference concluded with observations about the role of legislative libraries from the point of view of other western democracies.

Dermot Englefield of the House of Commons Library in Great Britain and Erik J. Spicer, Canada's parliamentary librarian, both contributed their views.

The Congressional Research Service today is very different from the Legislative Reference Bureau of 1914. It has moved much further along the continuum of information gathering, from simple provision of a book or a fact to providing policy analysis that helps support the legislative process.

–Helen Dalrymple

"Congress" Passes Two Major Bills in Record Time

RICHMOND, Va.–Members of Congress convened with a full legislative agenda but only three days to accomplish their tasks.

The Congress was trying to pass bills on two controversial topics: space exploration and cutbacks on defense spending. Members did it in record time.

But this wasn't the United States Congress taking refuge in the Virginia capital; it was the 16th Congressional Research Service "mock" Congress, a legislative-process exercise for Hill aides.

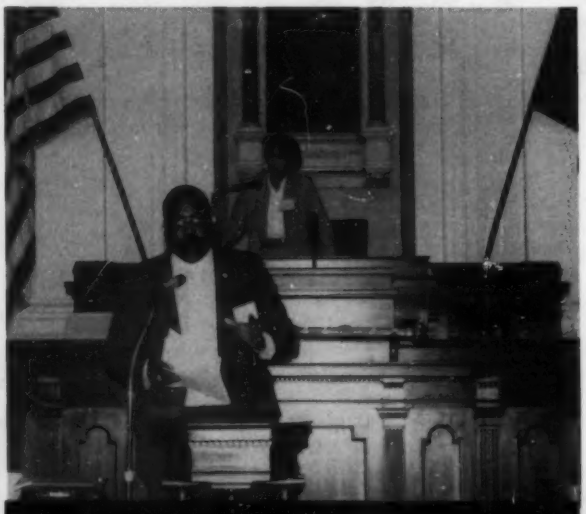
And instead of having 435 members of the House and 100 in the Senate, this Congress had 36 representatives (22 Democrats, 14 Republicans) and 19 senators (11 Democrats, eight Republicans) chosen among Capitol Hill aides who had applied to participate. But the fact that the proceedings (Aug. 23–25) were a "game" had failed to diminish the gravity with which the participants viewed their duties. Even before the group arrived in Richmond to begin work, the aides had slipped into their new roles. Soon after they got off the bus at the hotel, "members" were addressing each other as "the Senator from Arizona" or "my distinguished colleague" rather than as "Bob" or "Lisa."

Though the CRS staff at the Congress reminded their charges that they were engaged in make-believe, Linda Cox, the CRS Congress coordinator, says, "I think it was the first year I've seen that the participants were 'into' the exercise even before being 'sworn in.'" The 16th CRS Congress was the third that Ms. Cox has overseen.

Almost a week before arriving in Richmond, the aides were briefed on the issues, committee procedures and other matters.

At 10 a.m. the 23rd, "members" were preparing their positions, drafting amendments and caucusing with party members on the day's business, which involved consideration of "real" legislation.

So it was that the Senate defense and space bills were before the Armed Services and the Commerce, Science and Transportation committees. In the House, the defense bill was before the Foreign Affairs and the Armed Services committees. The space bill had been referred to the Foreign Affairs and the Science, Space and Technology committees.



"Rep." Anthany Frazier of Mississippi addresses the House, as parliamentarian Judy Schneider presides at the Statehouse.

From the very beginning, it was apparent that the debate over defense reductions would be heated, if not acrimonious, at times. One representative meeting with fellow Democratic members of the Foreign Affairs Committee said, "Let's have a battle with the Republicans [over the Strategic Defense Initiative]. Let's get down and dirty."

When the full committee met Thursday afternoon for the markup session, CRS's Judy Schneider was there to be sure all hands were following correct procedure. For example, Ms. Schneider reminded one particularly argumentative and difficult-to-convince member that amendments to sections of the bill that had not been referred to the committee for consideration, "would not be in order."

Meanwhile the lobbyists were also at work. Robert Newlen, cast as "special assistant to the president," was in the hallways buttonholing members willing to insist that the defense bill reflect President Bush's position in favor of the B–2 "stealth" bomber. He was quoted in the *Richmond Esteem-Roller* saying, "Tomorrow is another day, and the Republican Party . . . has been around long enough to know that the legislative struggle isn't over until the final gavel drops."

(Actually, Mr. Newlen is head of the CRS Senate Reference Center and was attending the conference as one of the CRS "players." The *Esteem-Roller* was one of several "newspapers" covering the event. Also there were "reporters" from the *Los Angeles Tides* and *The Ball-mer Sun.*)

But Mr. Newlen's jockeying for influence was not unopposed. I.M. Bloomen of ROSES, or the Representative Organizations for Social and Environmental Security, was there to present her group's side. Ms. Bloomen, whose environmental

organization is based in Greenland, excoriated Congress for the "patchwork" monitoring of Earth's ecosystems.

(Ms. Bloomen was actually Heidi Yacker, a librarian in the Congressional Reference Division of CRS.)

Members interested in learning how the public stood on a particular issue went to Rosita Thomas of Polls-'R-Us. Although her organization's name was pure whimsy, the polls and the analysis she provided members were not.

Ms. Thomas is a CRS analyst who prepares reports for Congress on public opinion.

"I answer questions of members who want to know 'How confident can you be in a poll, how stable is public opinion?'" she said. Views of the economy, according to Ms. Thomas, show the "topsy-turvy" nature of public opinion. A July 1990 poll showed only 25 percent of Americans surveyed believing a recession is near. But just one month later that figure had jumped to 57 percent.

The lobbyists, newspapers and pollster were all part of CRS's efforts to make the three days realistic and instructive for the participants while permitting some humor to flavor the proceedings. And holding the floor sessions in the historic Virginia Statehouse also lent an air of authenticity.

But back in the committee rooms members were working furiously to meet their deadlines. The Senate Commerce, Science and Transportation Committee, for example, inserted a provision into the space bill allocating $100 million for improved science and math education in high schools.

When the markup sessions concluded Thursday evening, members caucused to review positions taken by their party and to consider possible amendments to be offered at the Friday floor sessions.

That evening the House Rules Committee held a hearing till nearly 4 a.m. to decide how the two bills should be debated on the House floor.

The kinds of questions participants asked of the CRS staff were indicative of the preparation that went into the mock Congress, the third part of the Legislative Institute series. Ms. Cox says planning began in April, when CRS staff began to draft the bills. According to Ms. Cox, the institute "is not an exercise on the issues. It's one on procedures, so we have to come up with legislation that is not so technically difficult that the members spend more time learning about the issues than about the process.

Current events shaped the proceedings in ways that could have not have been foreseen. The bills were "about the 'peace dividend,' and all of a sudden, hello, Iraq! What happens to the peace dividend?"

—Linda Cox

"And we try to stay away from emotional issues," she adds. Thus such subjects as abortion, ethics or capital punishment would be unsuitable, she says.

But at the same time, the bills must have what Ms. Cox calls "snags," or things inserted in them that will prompt the participants to debate the issues. "Some snags are obvious and some are not so obvious, and those are planted for the lobbyists who will feed members with this information. For example, 'Do you know that such and such is in the bill?' They use that to get the participants playing."

Current events shaped the proceedings in ways that could not have been foreseen. The bills were "about the 'peace dividend,'" says Ms. Cox, "and all of a sudden, hello, Iraq! What happens to the peace dividend? . . . I think a lot of that came out. . . . The enthusiasm was generated by events, like 'we need more B-2 bombers.'"

And, according to Ms. Cox, the kinds of questions asked of the parliamentarians were also indicative of the level at which the members were playing the game. "They seemed to require very little general help. The level of help they wanted was at a much higher level this time [than in past Congresses] in drafting amendments. They had the basic form and language pretty much down."

The next morning the Rules Committee marked up its bills and the Senate worked on unanimous consent agreements for debate in the evening during the floor sessions, which were held at the Virginia Statehouse.

House Republicans insisted that in the name of fairness both bills be debated under an open rule, but members on the other side of the aisle prevailed (as they did on virtually all issues) and modified closed rules were decided on for the bills.

From that point on, things began to get increasingly partisan. When it was time to debate the rules on the House floor, the Republicans did not forget how they had been treated during the Rules markup. They urged that the rules be defeated.

The floor session brought out the sense of the dramatic in some members. One Republican, gesturing with his hands for emphasis, compared the rules issue to the quest for freedom under repressive regimes. He said that "today in both South Africa and Tiananmen Square people are dying for the right to vote. An open rule means the right to vote."

Yet both rules passed despite Republican objections.

It seemed there was little the minority party could do in the House to sway the majority. At one point, Republicans accused opposing-party members of neglecting the interests of their constituents for the sake of voting en bloc. *(Cont. on p. 326)*

A meeting of the House Committee on Science, Space and Technology in Richmond

CRS Congress *(Cont. from p. 325)*

Over in the Senate, things were much quieter. As CRS's Ilona Nickels, who acted as president pro tempore at the session, later said, "The participants take on the personality of the chamber they are in. Things are much quieter over here [on the floor]. But back in the cloakrooms, they are caucusing and arguing for their positions just as House members [do on the floor]."

Since this was not a real Congress, the floor sessions were limited to six hours. Once the bills were passed, they were ready for consideration by the House-Senate conference committees the following day.

The Saturday morning conferences were limited to four hours. It was only at the last minute that the conferees were able to compromise and report out conference reports for consideration and final passage at that afternoon's floor sessions.

What was shaping up during the Senate conference as a space bill that would be filibustered on the floor met little resistance. Members breathed a collective sigh of relief when a "senator" said, "I'm not in the mood to filibuster." The conference report on the space bill passed with little opposition, as did the defense report.

Despite much more rancorous debate on the other side of the Statehouse, the space and defense conference reports also passed.

But not every issue sparked acrimony. A concurrent resolution was passed unanimously in the House "to recognize the assistance provided to members of the 16th CRS Congress, and to extend the gratitude of the 16th CRS Congress to the CRS staff."

The members broke into applause as Ms. Schneider adjourned the Congress *sine die*.

For Ms. Cox, the bottom line is that "we want them to learn procedure. They might not become experts, but when they turn on the television [to watch congressional proceedings], they can follow what's going on, on the floor.

"And second—though it's not as important—is that this offers them an opportunity to meet their colleagues on the Hill.

"But," she concludes, "the process is most important, that they know what their bosses are doing."

—Guy Lamolinara

Library, National Academy of Sciences Collaborate on Concert Series

The Library of Congress and the National Academy of Sciences will collaborate in presenting a series of 18 chamber music concerts during the 1990–1991 season at the National Academy of Sciences.

Concerts will be held at the NAS auditorium at 21st & C Streets NW in Washington at 8 p.m. The Coolidge Auditorium, which has been the home of the Library's chamber music concerts since their inception in 1925, has been closed during the renovation of the Jefferson Building. There will be no live chamber music concerts from the Library this season.

The fall series of nine concerts will be Thursday and Friday, Oct. 18–19 and 25–26, and Nov. 8–9, on Friday, Nov. 30, and on Monday and Tuesday, Dec. 17 and 18. These concerts will be free, and no tickets are required. Admission is on a first-come, first-served basis. The academy's auditorium seats 670.

The Library's longtime resident ensembles, the Juilliard String Quartet and the Beaux Arts Trio, will each be featured. On Oct. 18 and 19 the Juilliard String Quartet will perform; the Beaux Arts Trio will perform three piano trios Oct. 25 and 26.

On Nov. 30 soprano Judith Nelson and harpsichordist Colin Tilney will play.

Besides the McKim Fund and the Mae and Irving Jurow Fund, these concerts are also supported by LC's Elizabeth Sprague Coolidge Foundation, William and Adeline Croft Fund, Da Capo Fund and Gertrude Clarke Whittall Foundation.

The National Academy of Sciences will offer its own season of concerts this year, in addition to those presented in collaboration with the Library.

For more information, call the Library at (202) 707–1940, or the National Academy of Sciences at (202) 334–2436.

How a Creek Got Its Name

In a scene that could have come from the pages of a popular Washington novel, Diane Noll, a second-grade teacher from Linn Grove, Iowa, met Donald Orth, federal bureaucrat, for the first time at the reception opening the Library's exhibition "A World of Names" on Thursday evening, Sept. 6. The exhibition is being presented in celebration of the 100th anniversary of the U.S. Board on Geographic Names (BGN).

Mrs. Noll's contact with Don Orth, who works for the U.S. Geological Survey and is the executive secretary of the Domestic Names Committee of the BGN, began back in 1987 when she discovered that the creek that ran by their school and across her farm had no name. Mrs. Noll's class wanted to give the creek a name.

"We decided we would be like the early pioneers and voyagers and we would get a name for this creek," said Mrs. Noll. The students selected the name "Bluebird Creek" because of the many bluebirds that live in the area around the creek.

The school project that led to the naming of the creek, which runs through Linn Grove and Peterson, Iowa, and eventually into the Sioux River, is featured in the "World of Names" exhibition in the Library's Madison Gallery. It is one of the examples used to show how the U.S. Board on Geographic Names works.

Mrs. Noll's first task was to check old county maps to make sure that the creek didn't already have a name. To confirm her findings in Buena Vista County, she went to the Iowa Geological Survey Office in Iowa City to check further.

Once she had determined that the creek had never been named, she and her students wrote letters to local, state and federal officials to secure their endorsement of their choice of the name for the small stream.

They also made posters, circulated petitions and wrote to local newspapers.

Student Amber Click wrote to the Board on Geographic Names to say "Thank you for exepting our name!"

Her letter, drawn in blue, red, brown and purple ink, has been reproduced in mammoth size and is prominently featured on a wall of the exhibit.

The story of the creek naming also made Page 1 of the Feb. 2, 1988, *Sioux Rapids Bulletin Press*. And a Name Day Celebration was held May 21 that year.

Student Joey Doran wrote to then Interior Secretary Donald P. Hodel, and in his response to Joey on behalf of the secretary, Mr. Orth wrote: "We all feel that the naming project of Mrs. Noll's second grade class is a wonderful exercise in learning how democracy works in our country and, if successful, it will be a lasting monument to the work of the class."

In a letter to Mr. Orth, Mrs. Noll wrote of all the things the children were doing to follow the guidelines for "Proposing Names for Unnamed Domestic Features," and with a teacher's concern for winding up the project before the school year ended, asked: "Could we hear the results of the board's decision before school is out June 1?"

Mrs. Noll learned of the decision by telephone from Ernest Berringer, staff member of the BGN. The name was officially approved April 14, 1988; it will appear on federal maps printed after 1990.

"You know," said Mrs. Noll at the opening reception, "Ernie Berringer was the very first person I saw when I came in the door of the Library!"

And when she met Don Orth in person at last—after corresponding with him and talking to him on the telephone—it was clearly an emotional moment for both of them. It was also a wonderful example of how the federal bureaucracy affects the lives of individual citizens.

The exhibit runs through Jan. 15, 8:30 a.m. to 9:30 p.m. Monday through Friday and 8:30 a.m. to 6 p.m. weekends.

—Helen Dalrymple

Donald Orth (center) and Ronald Grim meet Diane Noll for the first time, at the "World of Names" reception.

A Collection of Collaboration Between Husband and Wife

More than 20 years of negotiations culminated recently with the Library's acquisition of the Danny Kaye Collection and the Sylvia Fine Kaye Collection.

According to Gerald Gibson, head of the Motion Picture, Broadcasting and Recorded Sound Curatorial Section, these collections document a unique 20th century collaboration between a husband and wife team. Danny Kaye, who died in 1987, was known around the world as an important entertainer in the fields of singing, acting and dancing. His best-known films include "The Secret Life of Walter Mitty" (1946) and "Hans Christian Andersen" (1952).

Throughout his life, he worked closely with his wife, Sylvia, a talented musician, composer and lyricist in her own right. Sylvia Kaye wrote and produced many of her husband's presentations.

The Sylvia Fine Kaye Collection includes correspondence from her files; tapes, scripts and orchestrations for her productions of *Musical Comedy Tonight I, II* and *III*, as well as her History of Musical Comedy Collection. This last collection includes audio recordings, libretti, vocal scores and sheet music from over 500 musical comedies dating from early in this century.

The Danny Kaye Collection includes a selection of his numerous awards, including the Presidential Medal of Freedom, the Chevalier de la Legion d'Honneur and two Academy Awards. Many home movies document his UNICEF tours throughout the globe and capture the entertainer with many world notables such as George Bernard Shaw, Queen Elizabeth and Lord Mountbattan. Film and video copies of 15 of his motion pictures are included, along with several hundred radio and television shows on disc and tape.

The collection also contains rare rehearsal footage from *Live from Lincoln Center*, featuring Kaye conducting the New York Philharmonic. Other audio- or videotape captures his work with the Israel Symphony, the Los Angeles Philharmonic and the Boston Symphony. Photographs include personalities such as Louis Armstrong, Maurice Chevalier, Noel Coward, Helen Hayes, Lyndon Johnson, Sir Laurence Olivier and Prince Philip.

The collections are being transferred to the Library and will be distributed among various custodial divisions in the coming months.

—Craig D'Ooge

"The Richness of Difference": LC Celebrates Hispanic Heritage Month

The Library is celebrating National Hispanic Heritage Month until Oct. 15 with "The Richness of Difference," a program of eight special events including ones on "Hispanic Art and Literature in Washington," a concert of Afro-Cuban music and a Hispanic Youth Art exhibit.

"The theme and the events we have planned emphasize the diversity of our heritage and culture," says Olga Padilla, director of the Library's Hispanic Employment Program and coordinator of the events. "We want to draw attention to the contributions of Hispanics at the Library as well as to their rich culture and long history in the Western Hemisphere."

When Rep. Esteban E. Torres, a California Democrat, introduced a bill in 1988 to establish the monthlong observance, he talked about the diversity of the Hispanic peoples and their legacy to the United States: "The Hispanic community comprises over 18 million people in the United States. Our culture and population are as diverse as our ancestry. Our forefathers were native Americans, missionaries, conquistadors and immigrants from every Latin-speaking country in the world." He noted that the country has been enriched by Hispanic artists, writers, filmmakers, scientists, businessmen, scholars, athletes and warriors.

(The Library's Hispanic Cultural Society bases its usage of *Hispanic* on *Hispania*, the name given to the Iberian peninsula by the Romans in the second century B.C. The society applies the term to the peoples from those countries in which Spanish and Portuguese cultures have taken root.)

—Gail Fineberg

A Hard Look at Software Legislation

Oman Offers Qualified Support for Computer Software Rental Bill

Register of Copyrights Ralph Oman gave qualified support to computer software rental legislation at a July 30 hearing before the House Subcommittee on Courts, Intellectual Property and the Administration of Justice.

Modeled after the Record Rental Act of 1984, the three legislative proposals (H.R. 2740; S. 198, which passed the Senate May 3; and H.R. 5297) would amend the "first sale" doctrine of the Copyright Act, which states that a person who has acquired ownership of a lawful copy of a copyrighted work may sell or otherwise dispose of the copy. The bills would make it a copyright infringement to rent, lease or lend computer software for direct or indirect commercial use without the copyright owner's permission, even after an authorized first sale of copies.

In his introductory remarks, Subcommittee Chairman Robert W. Kastenmeier, a Wisconsin Democrat, seemed to be taking a cautious approach to the proposals, noting that amending the first-sale doctrine "is not a modest proposal" and that the "proponents of change must establish that the change is necessary, fair and practical."

"With the growing importance of computers, software rental companies have emerged," said the Register, in describing the basis for the legislation. "For a fraction of the cost of buying a computer program, you can rent a program for a limited time and return it, just as you can rent a videocassette for home viewing. But unlike the situation with respect to videocassettes, and perhaps more closely akin to sound recordings, copying of the work by the lessee, or renter, is easy, inexpensive and likely."

The software industry is pushing the legislation because it says the rental businesses are displacing what would otherwise be sales. It is assumed that people rarely rent to try out a program; they rent so they can make a copy. According to R. Duff Thompson, vice president and general counsel of WordPerfect Corp., who testified on behalf of the Software Publishers Association, "Commercial rental of software is a practice which, if uncontrolled, would irreparably cripple the U.S. software industry."

"For a fraction of the cost of buying a computer program, you can rent a program for a limited time and return it, just as you rent a videocassette. But unlike the situation with videocassettes, copying of the [program] by the renter is easy, inexpensive and likely."

—Ralph Oman

The Register was not so convinced of that, saying, "We have few hard facts. . . . But based on our calculated guess, the Copyright Office supports this legislative effort because we see a strong analogy between the sale and rental markets for sound records." However, if the Congress would like a report before proceeding with legislation, he said the Copyright Office would be pleased to prepare one.

The office was concerned that, as drafted, the legislation appeared too broad, and Mr. Oman went on record as favoring some type of exemption for nonprofit libraries and certain educational institutions.

He also said the proposal should be redrafted to specify "that the exclusive right of the copyright owner to rent software will not inhibit the distribution of machines incorporating such software." Apparently, as now drafted, the bills would prohibit (albeit unintentionally) the rental or lease of machines, vehicles or even semiconductor chips that contain computer programs, including those found in autos, airplanes, telefaxes and apartment houses.

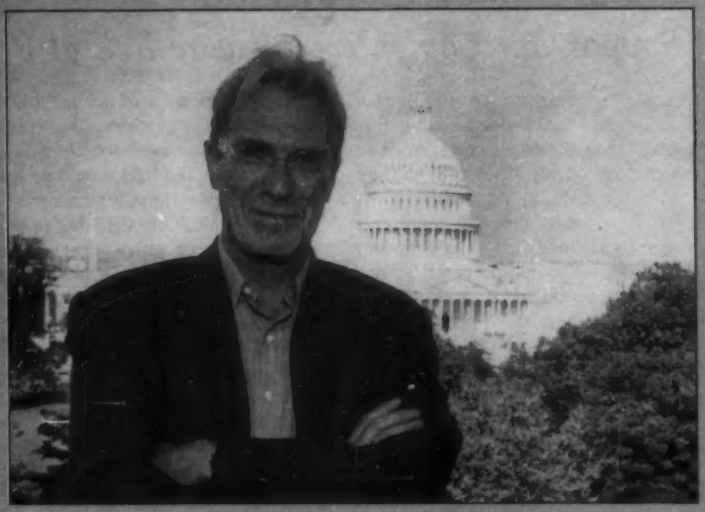
The hearing generated a considerable amount of controversy from an unexpected quarter—those involved with video games. The Video Software Dealers Association, represented by Thomas Carton Jr. of Blockbuster Entertainment Corp., testified in favor of an exemption to the bill for video games (which is included in two of the bills) while Bruce Davis, chief executive officer of Mediagenic, which publishes video game cartridges, including Nintendo, claimed it was unfair to exempt video games.

At issue was not so much the matter of copying (by those who rent) displacing sales, but of the rentals themselves displacing sales. Unlike motion picture companies, which decide when a movie becomes available in videocassette form (and thus available for rental), video games are "published" in cassette form and are available for rental as soon as they are released.

"Ease of copying should not be the sole basis for restricting rental of computer software," said Mr. Davis. "Commercial rental results in a windfall profit to the renters from potentially unlimited transactions, with no sharing of the profits with the creators of the work."

Robert Bramson, general patent and technology counsel of Unisys Corp., testified in opposition to the legislation. As a representative of several companies that manufacture and distribute computer hardware

(Cont. on p. 330)



New Poet Laureate Sparks New Literary Season with LC Lecture

Poet Laureate Consultant in Poetry Mark Strand will open the 1990–91 literary season at the Library of Congress with the lecture "Views of the Mysterious Hill: The Appearance of Parnassus in American Poetry" on Monday, Oct. 1.

The 6 p.m. program will be held at the James Madison Memorial Building.

The fourth person to serve as Poet Laureate (succeeding Robert Penn Warren, Richard Wilbur and Howard Nemerov), Mr. Strand is the author of seven published collections of poetry. His first book, *Sleeping with One Eye Open*, published in 1964, was followed by *Reasons for Moving* (1968), *Darker* (1970), *The Sargentville Notebook* (1973), *The Story of Our Lives* (1973), *The Late Hour* (1978) and *Selected Poems* (1980). An eighth volume of his poetry, *The Continuous Life*, will be published next month.

Mr. Strand is also the author of three children's books: *The Planet of Lost Things* (1982), *The Night Book* (1985) and *Rembrandt Takes a Walk* (1986). Born on Prince Edward Island, Canada, Mark Strand came to the United States in 1938. Mr. Strand's career has included service as a Fulbright scholar to Italy (1960–61), a Fulbright lecturer at the University of Brazil (1965–66), a National Endowment for the Arts fellow (1967–68, 1977–78, and 1986–87), a Rockefeller fellow (1968–69), a Guggenheim fellow (1974–75), and a MacArthur fellow (1987–92). Among his other awards and honors are the Edgar Allen Poe prize (1974) and the National Institute Arts and Letters award (1975). He is also a fellow of the Academy of American Poets.

Software *(Cont. from p. 329)*

and software, he said he was concerned with unauthorized duplication of software.

"While we object strongly to software piracy, a disturbing situation has developed. A number of companies are actively promoting other agendas under the guise of preventing piracy," he said.

He said there is a growing momentum to expand the bounds of copyright protection through judicial decisions and domestic and international legislation. "If the committee believes that special accommodations must be made for computer programs, we urge the committee to resist any attempt to allow the creation of a sui generis computer law to occur through the blackdoor," he said.

—Ruth Sievers

PUBLICATIONS

☐ Two LC specialists, **Stephen E. Ostrow,** chief of the Prints and Photographs Division, and **Robert Zich,** director of the Planning Office, debate the value of library collections in a research institution, emphasizing LC. *Research Collections in the Information Age,* an 18-page booklet, is edited by **John Y. Cole,** the Center for the Book's director.

☐ Bernhard Fabian, English professor at the University of Munster, proposes a new and more pluralistic agenda for the humanities in a new Library publication sponsored by the Center for the Book. Mr. Fabian's study of German research libraries and scholarship was published in German in 1983 and is being translated into English. The new publication, *The Future of Humanistic Scholarship,* is a 38-page booklet.

Both booklets are available for $3.95 each from the Library of Congress Sales Shop. Copies also are available by mail from the Publishing Office, Box J, Library of Congress, Washington, DC 20540. Please add $3.50 per order for shipping and handling.

MARC Update
Results of the June 1990 MARBI Meetings

Proposals

Nine USMARC format proposals were considered by the ALA ALCTS/LITA/RASD Machine-Readable Bibliographic Information Committee (MARBI) at its June 23–26 meetings in Chicago.

The major proposal considered pertains to the handling of classification data. Four proposals had to do with additions/changes to the holdings format; three others with additions/changes to the bibliographic format. The last one was concerned with microcomputer diskette specifications.

☐ Proposal 89-1: Proposed Classification Format. This proposal, pertaining to a proposed new USMARC format to accommodate data from classification schedules such as those from the Library of Congress, Dewey Decimal and the National Library of Medicine was approved. The format will be provisional because testing on specific fields is needed.

☐ Proposal 89-9: Changes to Two Fields in the Holdings Format to Accommodate Multiple Versions. This proposal was deferred. The major component of the proposal was to make field 843 (Reproduction Note) obsolete and to define fields 260, 300, 362 and 490 in the holdings format to accommodate the information. Work on the proposal will proceed after CC:DA has looked at the issue in terms of which descriptive elements belong in a holdings record if such records are to be used for reproductions.

☐ Proposal 89-2: Changes to Bibliographic Field 850. This proposal, which called for making bibliographic field 850 (Holding Institution) a holdings/bibliographic field, was approved in part. The decisions reached were: 1) Field 850 is to remain a bibliographic field and 2) subfields ‡b, ‡d, and ‡e are to be made obsolete. The issue of whether field 850 needs to be defined in the holdings format should be addressed separately.

☐ Proposal 89-8: Additions/Changes to the Holdings Format to Accommodate Nonserial Holdings Statements. For Proposal 89-8/3, pertaining to the recording of extent of unit information, recording such information in subfield ‡a of the appropriate 863–865 enumeration and chronology field was approved. For Proposal 89-8/5, pertaining to name of unit information, a new field 844 was approved. Proposal 89-8/6 was concerned with the recording of textual and physical form designator information. For textual physical form designator information, a new field 842 was approved. For coded physical form designator information, new codes in 007 in both the holdings and bibliographic formats were approved.

☐ Proposal 90-7: Change to 008/08–11 in the Holdings Format. In order to indicate in character positions 08–11 (intent to cancel date) in the holdings 008 Fixed-Length Data Elements field that the element is not applicable to the single-part item in hand, altering the meaning of "blank" to include nonserial items was approved.

☐ Proposal 89-14: Changes to Leader/06 in the Bibliographic Format. New codes "t - Manuscript language material" and "p - Mixed material" were defined and code "b - Archival and manuscripts control" was made obsolete.

☐ Proposal 89-15: Defining Leader/08 in the Bibliographic Format. Character position 08 of the Leader was defined as "Type of control," with two values: "blank - No specified type of control" and "a - Archival control."

☐ Proposal 90-3: Accommodating Reading Grade Level Code, Etc. Information in Bibliographic Field 521. Three new first indicator values were defined in field 521 (Target Audience Note) to enable one to designate reading grade level, interest age level, and interest grade level code information.

☐ Proposal 90-6: Microcomputer Diskette Specifications for Volume and File Labels. This proposal, containing proposed specifications for the structure, fields and data elements of volume and file labels on microcomputer diskettes, was deferred. The proposal will be revised based on oral and written comments.

Discussion Papers

Of the six discussion papers to be considered at the June 1990 MARBI meetings, only two were discussed.

☐ Discussion Paper No. 36: Coding the 008 Field in Records for Reproductions. The consensus seemed to be that, for the future, at least 008/06–17 date and place of publication information of the reproduction be coded in the 008 field in holdings records for reproductions. For the interim, in bibliographic records for the reproduction, sentiment was expressed to code the 008 field for the original. (It was recommended that 008/06–17 data for the reproduction be coded in a local field in the reproduction record.)

☐ Discussion Paper No. 38: Handling Indirect Geographic Subject Subdivision Form Information in Authority Records. This paper gave three options as to how indirect geographic subject subdivision information could best be handled in authority records. No clear consensus could be reached as to which option was preferred.

Discussion papers No. 37, 39, 40 and 41 were not discussed due to time constraints. (Descriptions of these papers can be found in the "MARC Update" column in the May 7, 1990, issue of the LC *Information Bulletin*.) Comments on these discussion papers, as well as on Discussion Paper No. 38, were to be by July 31, 1990.

Documentation

Minutes of the June 1990 MARBI minutes, the revised cover sheets/pages to the proposals and discussion papers just noted and other related material are available from the Cataloging Distribution Service (CDS), as part of the subscription service *USMARC Format: Proposed Changes*. A one-year subscription to this service is $39 (U.S.) and $52 (international).

For subscription information, write CDS, Customer Services Section, Library of Congress, Washington DC 20541; telephone (202) 707-6100; fax (202) 707-1334.

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